



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

**REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>**

November 7, 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

T. Deb Wolfley, Chair
Lincoln County Commissioners
925 Sage Avenue
Kemmerer, Wyoming 83101

Re: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2004-0004**

Dear Ms. Wolfley:

Pursuant to Section 1414(a)(2)(B) of the 1996 amendments to the Safe Drinking Water Act (SDWA), the Environmental Protection Agency (EPA) is required to notify an appropriate locally elected official of any action taken in a State that does not have primary enforcement authority for public water systems. The State of Wyoming does not have primary enforcement authority for public water systems under the SDWA.

An Emergency Administrative Order is being issued under Section 1431 of the SDWA to the Fairview Water and Sewer District in Afton, Wyoming. The Order is based on several E. coli positive samples from the Fairview Water and Sewer District public water system during November 4th and 5th, 2003. Based on these sampling results, the contaminant present in the water system may pose an imminent and substantial health endangerment to persons served by the system.



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Fairview Water and Sewer District
Page 2 of 18

A copy of this Order is enclosed for your information. The Order does not require any response or action by the County Commission. If you have any questions regarding this Order, please contact Olive Hofstader at (800) 227-8917 X6467.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
And Environmental Justice

Enclosure



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Fairview Water and Sewer District
of 18

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November 7, 2003

Ref: 8ENF-W

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Fairview Water and Sewer District
P.O. Box 40
Fairview, WY 83119

RE: Emergency Administrative
Order under Section 1431 SDWA
Docket No. **SDWA-08-2004-0004**
PWS ID #5600166

Dear Mr. Chamberlin:

Enclosed is an Emergency Administrative Order ("Order") issued by the U.S. Environmental Protection Agency ("EPA") under section 1431 of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300i. On November 4th and 5th, 2003, the Fairview Water and Sewer District system tested positive for E. coli coliform. Based on these sampling results, the contaminant present in the water system may pose an imminent and substantial health endangerment to persons served by the system.

Pursuant to its authority set forth at section § 1431 of the Act, 42 U.S.C. § 300i, EPA is authorized to take whatever actions necessary to protect human health. Notwithstanding the initial efforts taken by State and local officials, this Order and the requirements set forth herein are necessary to ensure adequate protection of public health based on EPA's primary enforcement responsibility for the Safe Drinking Water Act in the State of Wyoming.



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The enclosed Order sets forth the compliance actions that the Fairview Water and Sewer District must take to ensure that the people served by the water supply are provided with safe drinking water. The Order includes, and incorporates by reference, compliance with the State boil order dated November 5, 2003. Additionally, the Order requires, in part, that the system continue to investigate the cause of the contamination, submit a plan to EPA describing actions necessary to provide safe water to residents, provide continuous disinfection until corrective actions are implemented, and take additional samples after disinfection is discontinued. The penalties for failing to comply are set forth in the Order.

EPA is committed to working with Fairview Water and Sewer District and the State of Wyoming to ensure the safety of the system's water supply. If you have any questions or wish to discuss this Order, please contact Olive Hofstader at (800) 227-8917 X6467.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure

cc: Larry Robinson, Wyoming Department of Environmental Quality
Dr. Karl Musgrave, Wyoming Department of Health
Dr. Donald Kirk, Lincoln County Health Officer
Nisi Papke, Lincoln County Public Health Nurse



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Fairview Water and Sewer District)	
Afton, Wyoming 83119)	
PWS ID # 5600166)	
)	
)	
Respondent)	EMERGENCY
)	ADMINISTRATIVE ORDER
Proceedings under Section 1431)	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300i)	Docket No. SDWA-08-2004-0004
)	

I. STATUTORY AUTHORITY

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1431 of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300i, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region 8.

II. FINDINGS

- A. The Fairview Water and Sewer District (Respondent) is a municipality and therefore a "person" within the meaning of Section 1401(12) of the Act.



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- B. Respondent owns and/or operates the Fairview Water and Sewer District Water System (the System) located in Lincoln County, Wyoming, for the provision to the public of piped water for human consumption.
- C. The System has at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "community water system" within the meaning of 40 C.F.R. § 141.2.
- D. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g et seq., and its implementing regulations, 40 C.F.R. Part 141, also known as the National Primary Drinking Water Regulations (NPDWRs).
- E. According to a September 23, 1999, sanitary survey conducted by an agent of EPA, Respondent operates a system that is supplied by a groundwater source



consisting of one well. The system serves an average of 200 persons daily through 66 service connections.

- F. EPA has determined that the water currently being provided by the System may present an imminent and substantial endangerment to the health of persons based on approximately four E.coli positive water quality monitoring samples collected by the Respondent on November 4, 2003. Of four repeat samples taken on November 5, 2003, one sample tested positive for E.coli.
- G. The Wyoming Department of Health (WDH), through the Lincoln County Public Health Officer, pursuant to W.S. §§ 35-1-240(a) and 35-4-222, issued a boil order (Boil Order) on or about November 5, 2003. (See Attachment A, which is incorporated by reference).
- H. Notwithstanding the initial efforts taken by local and State officials, this Order and the requirements set forth herein are necessary help prevent coliform contamination of the System's water in the future and thereby protect public health.



- I. By issuing this Order, EPA supports and seeks to continue the initial efforts to protect public health by State and local officials.

III. ORDER

Based on the foregoing Findings, and pursuant to Section 1431 of the Act, IT IS ORDERED:

A. BOIL ORDER

Respondent shall fully comply with the Boil Order until the Boil Order is terminated by the WDH and/or the Lincoln County Public Health Officer.

B. COMPLIANCE MEASURES

1. Within thirty days of the effective date of this Order, Respondent shall investigate and report to EPA the known or suspected cause of contamination in the drinking water system.
2. In the report required above, Respondent shall submit a detailed plan to EPA and the Wyoming Department of Environmental Quality (WDEQ) for bringing the System into compliance with the bacteriological Maximum Contaminant Level (MCL) at 40 C.F.R. § 141.63. The plan shall describe efforts the Respondent will take to prevent



recurrence of contamination. The plan should include the following:

- a. Proposed system modifications;
- b. Estimated costs of modifications; and
- c. A schedule for construction of the project.

The schedule shall include specific milestone dates and a final compliance date. The plans must be approved by WDEQ and EPA before construction can commence.

3. The schedule for construction and completion of modifications will be incorporated into this Order upon written approval by EPA and WDEQ.
4. Immediately upon receipt of this Order, Respondent shall continue chlorination of the System's water so as to continually maintain a disinfection chlorine residual of a least 0.2 milligrams per liter (mg/l) free chlorine throughout the distribution system until notified in writing by EPA that chlorination is no longer required.
5. Immediately upon receipt of this Order, Respondent shall monitor and record chlorine residual daily at one or more representative location(s) within



the distribution system to ensure at least a 0.2 mg/l chlorine residual and submit its results monthly to EPA at the address provided elsewhere in this Order.

6. Upon receiving EPA's written notification that the Respondent has satisfactorily completed modifications of the System (according to the plan submitted and approved as described above) and after termination of the Boil Order, Respondent may discontinue chlorinating the System's water.

C. MONITORING REQUIREMENTS

1. After receiving EPA's written notification that the Respondent has satisfactorily completed modifications of the System (according to the plan submitted and approved as described above) and after termination of the Boil Order, Respondent shall conduct bacteriological monitoring as follows:
 - a. Collect three (3) consecutive daily samples and have them analyzed for total coliform bacteria by a certified laboratory, and report analytical results, via phone or fax,



to EPA immediately upon receiving the results.

- b. After submitting three consecutive daily samples that comply with the coliform MCL in 40 C.F.R. §141.63, take weekly bacteriological samples, and report analytical results, via phone or fax, to EPA immediately upon receiving the results.
- c. Continue submitting weekly samples as required above until four consecutive weekly samples meet the MCL in 40 C.F.R. § 141.63.
- d. Thereafter, comply with all bacteriological monitoring requirements for community water systems found at 40 C.F.R. § 141.21 to determine compliance with the MCL in 40 C.F.R. § 141.63.

- 2. Respondent shall report all bacteriological analytical results to EPA within 10 days of the end of each monitoring period, as required by 40 C.F.R. § 141.31(a), or sooner if specified elsewhere in this Order.

D. PUBLIC NOTICE



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1. No later than 24 hours of receipt of this Order, Respondent shall provide public notice of the violations specified in this Order in the affected area. This public notice shall be given in one or more of the following forms of delivery: (1) Appropriate broadcast media (such as radio and television); (2) Posting of the notice in conspicuous locations throughout the area served by the water system, including, but not limited to, posting over every faucet at the water system; (3) Hand delivery of the notice to persons served by the water system; or (4) Another delivery method approved in writing by EPA. The notice shall be repeated at least once every 3 months by mail, hand delivery or posting as long as the violation exists. Respondent shall comply with any additional public notification requirements that may be established by EPA. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation. Respondent shall submit a



copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d). The public notice shall include the following information:

- a. All requirements as specified in 40 C.F.R. § 141.205 including:
 - i. A description of the violation, including contaminant of concern, and the contaminant level;
 - ii. When the violation or situation occurred;
 - iii. Any potential adverse health effects from the violation or situation;
 - iv. The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in their drinking water;
 - v. Whether alternative water supplies should be used;
 - vi. What actions consumers should take, including when they should seek medical help, if known;



- v. What the system is doing to correct the violation or situation;
- vi. When the water system expects to return to compliance or resolve the situation;
- vii. The name, business address, and phone number of the water system owner, operator, or designee of the public water system as a source of additional information concerning the notice; and
- viii. A statement to encourage the notice recipients to distribute the public notice to other persons served.

- b. Respondent shall include the following mandatory health effects language in the public notice as specified in 40 C.F.R. § 141.205(d)(1), Appendix B to Subpart Q of Part 141:

Coliforms are bacteria that are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.

Fecal coliforms and E. Coli are bacteria whose presence indicates that the water may be contaminated with human or animal wastes.



Microbes in these wastes can cause short-term effects, such as diarrhea, cramps, nausea, headaches, or other symptoms. They may pose a special health risk for infants, young children, and people with severely compromised immune systems.

UNTIL FURTHER NOTIFIED, ALL WATER USED FOR DRINKING, BRUSHING TEETH, COOKING, MAKING ICE, WASHING DISHES, OR USED FOR HUMAN CONSUMPTION, ETC., SHALL BE BOILED FOR AT LEAST FIVE MINUTES, AT A ROLLING BOIL, BEFORE USE. ALL STORED WATER, DRINK OR ICE MADE RECENTLY FROM THIS SUPPLY SHALL BE DISCARDED.



E. REPORTING REQUIREMENTS

1. Unless otherwise specified, all reports and notifications herein required shall be submitted to:

Olive Hofstader
US Environmental Protection Agency
Technical Enforcement Program (8ENF-W)
999 18th Street Suite 300
Denver, Colorado 80202-2466
Telephone (800)227-8917 X 6467 or (303) 312-6467

IV. GENERAL PROVISIONS

- A. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141, or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act. Nor does EPA's approval of any plan submitted pursuant to this Order diminish the Respondent's duty to comply with 40 C.F.R. Part 141 or the Act.
- B. Violation of any term of this Order may subject the Respondent to a civil penalty of up to \$15,000 for each day in which such violation occurs or failure to comply continues. The penalty would be assessed by an



appropriate U.S. District Court under Section 1431(b) of the Act, 42 U.S.C. § 300i(b).

- C. Violation of any requirement of the Act or its implementing regulations may subject Respondent to a civil penalty of up to \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).
- D. The effective date of this Order shall be the date of issuance.

Issued this 7th day of November, 2003.

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Michael T. Risner

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENTS PLEASE CONTACT THE
REGIONAL HEARING CLERK.**



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THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON NOVEMBER 7, 2003



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